IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1541 OF 2005
IN
EXECUTION APPLICATION NO.213 OF 2001
IN
SUMMARY SUIT NO.4118 OF 1998

Padmanabh B. Shetty Plaintiff
versus
Suresh R. Shetty Defendant

Girish Godbole for plaintiff.
Mr.Tushar Goradia for defendant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 1st August 2006

PC :

1. Shri Godbole and Shri Goradia - learned counsel appearing for parties make a statement that an amount of Rs.1.00 lakh has been paid. The matter was adjourned till today to enable Shri Goradia to take appropriate instructions.

2. In the presence of the defendant - judgement debtor so also the plaintiff-decree holder, Shri Goradia makes a statement that an amount of Rs.3.25 lakh (Rs.Three lakh Twenty five thousand only) by way of post dated cheque/s would be

handed over to the plaintiff-decree holder during the course of the day.

3. Shri Goradia undertakes on behalf of the defendant-judgement debtor that the cheque/s would be duly honoured on presentation. Shri Godbole, upon taking instructions from the plaintiffs, makes a statement that the cheque/s would be presented after six weeks from today. Undertaking of the defendant is accepted.

4. Needless to state that in the event of default, the plaintiff-decree holder is entitled to recover the amount of post dated cheque/s with appropriate interest.

5. It would also be open for the decree holder to institute a complaint u/s 138 of the Negotiable Instruments Act so also other criminal proceedings. It would equally be open to invoke jurisdiction of this Court to punish for breach of this undertaking.

6. If the amount is paid inasmuch as the cheque/s is honoured on presentation, then the decree would be marked satisfied and the execution application would stand disposed of

accordingly with no order as to costs. All concerned to act on an ordinary copy of this order duly authenticated by the registry.

7. Needless to state that in the event of default the amount of the post dated cheque/s can be recovered in the present execution application and it would stand revived accordingly.

(S.C.DHARMADHIKARI, J.)